REMARKS

Claims 1-12 and 16 are pending in the present application and have all been rejected based on the patent to Compton and in some instances based on a combination of the Compton patent with the patents to Newman et al., Petitto, or Sorensen.

In applicant's prior amendment to this application, it was pointed out that the container of the present invention is made at least partially of paperboard material while the patents to Newman and Petitto are concerned only with plastic containers, and the Compton patent is primarily concerned with plastic containers. The examiner correctly noted that the Compton patent does state at the bottom of column 7 and the top of column 8 that paperboard could be included in the container but a careful reading of the Compton patent at that location states that "the structural framework of the container is made of a plastic material, which provides . . . the means for holding the containers together in the stack, the spaces between the parts of the framework being filled with a different material such as paperboard to complete the container." In other words, while the reference states that paperboard could be a component of the container, the structural framework for the container is plastic.

As noted in applicant's remarks in the afore-noted amendment, molding containers from plastics or from paperboard are two totally different procedures and in fact, in the world of plastics, the containers can either be injection molded or compression molded while in compression molding processes involving plastics the side walls of the container are of uniform thickness. The Compton reference shows a container that has a side wall thickness that varies but it is clearly stated in column 3, lines 14 and 15, that the method for forming the container is injection molding and it is only in injection molding that a varying wall thickness can be formed when dealing with plastic materials.

It is therefore important to note the Compton reference is dealing with injection molding as opposed to compression molding or press forming as in the case of the present invention.

To applicant's knowledge, there are no teachings in the prior art of a press formed container that is at least partially made of paperboard material that has a side wall thickness that varies and with bulges in the side wall made of the paperboard material that project inwardly and outwardly to facilitate a desired nesting of the containers.

Claim 1 of the present application upon which the remaining claims are dependent, has been amended to state that the bulges provided in the container are made of paperboard material and the claim further states the thickness of the side wall is greater at at least some locations along said bulges than at other locations on the side wall and further wherein the container is pressed formed.

While the Compton patent states that the container is preferably made of a polypropylene, it could include paperboard but not at structural framework locations such as where there are means for holding the containers together in the stack. Since the bulges provided not only in the present invention but in the prior art are the means for holding the containers together in a desired nested stack, and since claim 1 has now been amended to state that those bulges are made of paperboard material, it is not felt the Compton reference fairly anticipates or renders obvious the subject matter of claim 1 even when combined with other prior art references.

The present invention is felt to be quite unique in that it is a press formed paperboard container having inwardly directed bulges and outwardly directed bulges which make the thickness of the side wall that contains the bulges greater at some locations than others. These features of a container are not shown or suggested in the prior art and without such a teaching or

suggestion, it is felt the prior art is deficient in rendering the present invention, as now claimed, unpatentable.

Since there are no other objections or rejections of the application, it is felt it is now in condition for allowance and such action is courteously requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Dated this 15th day of April, 2002.

Respectfully submitted,

Gary M. Polumbus, Reg. No. 25,364
USPTO Customer No. 20686

GMP/dtc

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 1 has been amended as follows:

1. (Twice Amended) A nestable press formed container made at least partially of paperboard material having a continuous sidewall with inner and outer surfaces defining a sidewall thickness therebetween and upper and lower edges, and a bottom wall formed along said lower edge of the sidewall, said sidewall being downwardly convergent and having a bulge made of said paperboard material projecting inwardly from said inner surface of the sidewall, and at least one bulge made of said paperboard material projecting outwardly from the outer surface of said sidewall, said thickness of the sidewall being greater at at least some locations along said bulges than at other locations on said sidewall, said at least one outwardly projecting bulge adapted to cooperate with the inwardly directed bulge of an underlying nested container to encourage aligned stacking of the containers.

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